

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: OCTOBER 4, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-16028 - APPLICANT/OWNER: FISHER BROTHERS LAS VEGAS, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on November 3, 2008 unless another Extension of Time is approved by the Planning Commission.
2. Conformance to the Conditions of Approval for Rezoning (ZON-5103) and all other subsequent related applications and as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/16/92	The City Council approved a Special Use Permit (U-0168-92) application for a 14-foot by 48-foot off-premise advertising (billboard) sign, at 2900 Sirius Avenue subject to a 5-year review. The Board of Zoning Adjustment and staff both recommended approval.
06/15/94	The City Council approved a Variance (V-0058-94) application to allow an off-premise advertising (billboard) sign to be located 600 feet from another off-premise advertising (billboard) sign where 750 feet is required at 2900 Sirius Avenue. The Board of Zoning Adjustment recommended approval. Staff recommended denial.
11/10/97	The City Council approved a Required Five Year Review [U-0168-92 (1)] for 14-foot by 48-foot off-premise advertising (billboard) sign at 2900 Sirius Avenue, subject to another 5-year review. The Planning Commission and staff both recommended approval.
02/19/03	The City Council approved a Required Five Year Review (RQR-1143) of an approved Special Use Permit (U-0168-92), which allowed a 40-foot tall, 14-foot by 48-foot off-premise advertising (billboard) sign at 2900 Sirius Avenue. The Planning Commission and staff both recommended approval on 11/21/02.
11/03/04	The City Council approved a General Plan Amendment (GPA-5097) to amend a portion of the Southeast Sector Plan of the General Plan from LI/R (Light Industrial/Research) to SC (Service Commercial); a Rezoning (ZON-5103) from M (Industrial) to C-1 (Limited Commercial); Special Use Permit (SUP-5107) application for a proposed 50-story, 560-foot tall mixed-use development and a Site Development Plan Review (SDR-5104) for a 50-story mixed-use condominium project with 20,000 square feet of retail uses. The Planning Commission and staff recommended approval on 10/07/04.
10/04/06	The City Council will consider two related Extension of Time applications. Extension of Time (EOT-16026) of an approved Special Use Permit (SUP-5107) that allowed a 50-story, 560-foot tall mixed-use development and Extension of Time (EOT-16027) of an approved Site Development Plan Review (SDR-5104) that allowed a 50-story, 560-foot tall mixed-use development containing 700 residential units and 20,000 square feet of retail uses.
<i>Related Building Permits/Business Licenses</i>	
	There is no building permit or business license information related to the subject site.
<i>Pre-Application Meeting</i>	
	A pre-application meeting is not required for an Extension of Time request.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for an Extension of Time request, nor was one held.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	5.25
Net Acres	4.32

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Scandia Amusement Center	C (Downtown - Commercial)	M (Industrial) Under Resolution of Intent to C-1 (Limited Commercial)
North	Offices	LI/R (Light Industrial/Research)	M (Industrial)
South	Vacant building	C (Downtown - Commercial)	M (Industrial) Under Resolution of Intent to C-1 (Limited Commercial)
East	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way)
West	Warehouses	LI/R (Light Industrial/Research)	M (Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District	X		Y
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance	X		

ANALYSIS

This is the first Extension of Time for the subject Rezoning (ZON-5103). The Rezoning allowed a change from M (Industrial) to C-1 (Limited Commercial) on 5.25 acres. The Rezoning and associated cases were approved by the City Council on 11/03/04. There was an associated General Plan Amendment (GPA-5097), Site Development Plan Review (SDR-5104) and Special Use Permit (SUP-5107) also approved. The applicant indicates that a new owner has acquired the subject property, which is evidenced by the County Assessor's Office. Civil plans and a final map have not been submitted. Therefore, the Extension of Time can be supported to allow for additional time due to delays in the design and construction process.

Conditions of Approval from Rezoning (ZON-5103)

Planning and Development

1. A General Plan Amendment (GPA-5097) to a SC (Service Commercial) land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit.
3. A Site Development Plan Review (SDR-5104) application approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

4. Dedicate an additional 5 feet of right-of-way for a total radius of 15 feet on the northwest corner of Rancho Drive and Sirius Avenue prior to the issuance of any permits.
5. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
6. Coordinate with the Clark County Water Reclamation District to ensure that sewer capacity is adequate for this proposed project. Comply with conditions recommended by the Clark County Water Reclamation District.
7. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
8. A Traffic Impact Analysis must be submitted to the Department of Public Works prior to City Council approval. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis.

If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

9. Coordinate with the Clark County School District to determine the impact this zoning density has on the District's schools, and to identify possible methods to mitigate the impacts.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **“The proposal conforms to the General Plan.”**

A General Plan Amendment (GPA-5097) changed the designation of this site to SC (Service Commercial), which allows for low to medium intensity retail, office or other commercial uses that primarily serve local patrons. The Rezoning (ZON-5103) changed the site to C-1 (Limited Commercial), which allows for most retail shopping and personal services, is in conformance with the SC (Service Commercial) land use designation.

2. **“The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

The redevelopment of the subject site into a mixed-use urban hub is in conformance with the goals set forth by the Las Vegas Master Plan 2020 Neighborhood Revitalization. The surrounding area consists of clean, low-intensity (non-polluting and non-nuisance) industrial uses. The proposed zone change would result in more restrictive controls over land use on the subject site than before. The uses allowed on the subject site, even though less intense, are permissible within the surround area as well. Therefore the subject site is compatible with the surrounding land uses and zoning districts.

3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

Policy 2.1.7 of the Housing Element of the 2020 Master Plan encourages higher density residential development in the central part of the City. Staff finds that the proposed rezoning supports this policy.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

The site will have adequate access from Rancho Drive, a 50-foot public right-of-way, Sirius Avenue and Rigel Avenue, both of which are 60-foot public rights-of-way.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
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<u>ASSEMBLY DISTRICT</u>	N/A
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<u>SENATE DISTRICT</u>	N/A
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<u>NOTICES MAILED</u>	N/A
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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